

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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FLORENCE DIVISION

U.S.
DISTRICT
COURT

DIRECTV, Inc.,

Plaintiff,

vs.

Calvin Motes,

Defendant.

Supplemented
REPORT AND RECOMMENDATION

C.A. No.: 4:04-22188-18

This matter is before the undersigned United States Magistrate Judge in accord with 28

U.S.C. § 636 and the local rules of this court for consideration of the plaintiff's request for

damages. *This report and recommendation supplements the report and recommendation filed herein January 13, 2005 (Lockett #9)*

On November 1, 2004, based upon an affidavit of default submitted by the plaintiff, the

Clerk of Court entered default as to defendant Calvin Motes. On April 13, 2005, a hearing was

held to determine the amount of damages, if any, to which the plaintiff is entitled. The defendant

was given notice of the hearing, and failed to appear.

In support of its claims for damages the plaintiff presented by way of affidavit claims of

\$1,086.18 in attorneys' fees, \$180.00 in costs, and ~~\$110,000~~ ^{\$50,000} in statutory damages in accord with

47 U.S.C. § 605 and 18 U.S.C. § 2511. Also the plaintiff submitted its claim for a permanent

injunction against the defendant Calvin Motes prohibiting the defendant from committing or

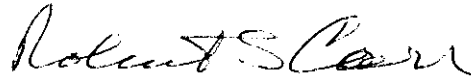
assisting in the commission of any violation of the Cable Communications Policy Act of 1934, as

amended, 47 U.S.C. § 605 and 18 U.S.C. § 2511. The Plaintiff's claim was unopposed.

@ At the hearing herein the plaintiff amended its demand to \$5,000 in statutory damages due to a lack of evidence for more than 5 direct tv pirating devices. NE

Accordingly, it is recommended that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure this court enter its order finding the defendant Calvin Motes in default, awarding the plaintiff judgment in the amount of ^{51,246.18 R.C.} ~~\$111,266.18~~ and permanently enjoining the defendant from committing or assisting in the commission of any violation of 18 U.S.C. § 2511 and § 2520.

Respectfully submitted,



Robert S. Carr
United States Magistrate Judge

Charleston, South Carolina

April 13, 2005